



Board of Adjustment Case Report

City of Raleigh
Department of City Planning
1 Exchange Plaza
Raleigh, NC 27601
(919) 996-2626
www.raleighnc.gov

Case File: A-41-15

Property Address: 309 Freeman Street

Property Owner: City of Raleigh – Housing and Neighborhoods Department

Project Contact: Britni Edwards

Nature of Case: A request for a 15' front yard setback variance and a 10' rear yard setback variance from the standards set forth in Section 10-2075 of the Part 10 Zoning Code resulting in a 5' front yard setback variance and a 10' rear yard setback variance to allow for the construction of a detached house resulting in a 5' front yard setback and a 10' rear yard setback on a .09 acre property zoned Residential-20 located at 309 Freeman Street.



309 Freeman Street – Location Map

To BOA: 7-13-15

Staff Coordinator: Eric S. Hodge, AICP

**ZONING
DISTRICTS:** Residential 20



309 Freeman Street – Zoning Map

VARIANCE STANDARDS: In accordance with UDO [§10.2.10 Variance](#), before a variance request is granted, the Board of Adjustment shall show all of the following:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions

that are common to the neighborhood or the general public, may not be the basis for granting a variance.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
4. The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justice is achieved.

Setback &

Lot Standards: The subject property is zoned Residential 20

	Minimum
Lot Area	5000 sq. ft.
Lot Width	45'
Corner Lot Width	60'
Lot Depth	70'
Front Yard Setback:	20'
Side Yard Setback:	5'
Corner Side Yard Setback	20'
Aggregate Side Yard Setback:	15'
Aggregate Front/Rear Setback:	40'



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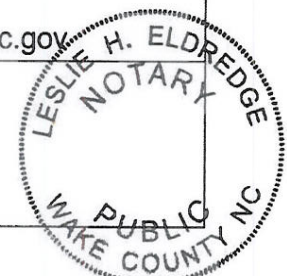
Development Services
Customer Service Center
One Exchange Plaza
1 Exchange Plaza, Suite 400
Raleigh, North Carolina 27601
Phone 919-996-2495
Fax 919-516-2685

Variance Application

A-41-15

OFFICE USE ONLY	
Nature of variance request (Submit addendum on separate sheet, if more space is needed.) A reduction in the front and rear setbacks is being requested to allow sufficient space to construct a single family home as well as to place the house in line with other houses on the block. A reduction of 15' to the front setback is requested, resulting in a 5' front yard setback. A reduction of 10' to the rear setback is requested, resulting in a 10' rear yard setback.	Transaction Number
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions or Pre-Submittal Conferences. If this property was the subject of a previous variance request, provide the case number.	

GENERAL INFORMATION		
Property Address 309 Freeman Street		Date 4-29-15
Property PIN 1713173513	Current Zoning R-20	
Nearest Intersection Freeman Street and East Martin Street		Property size (in acres) 0.09
Property Owner City of Raleigh Housing & Neighborhoods Department	Phone 919-996-4330	Fax 919-857-4359
	Email britni.edwards@raleighnc.gov	
Project Contact Person Britni Edwards	Phone 919-996-6967	Fax 919-857-4359
	Email britni.edwards@raleighnc.gov	
Property Owner Signature <i>Marchell Adams David</i>	Email Marchell.Adams-David@raleighnc.gov	
Notary Sworn and subscribed before me this <u>4TH</u> day of <u>MAY</u> , 2015	Notary Signature and Seal <i>Leslie H. Eldredge</i> LESLIE H. ELDRIDGE MY COMMISSION EXPIRES NOV. 11, 2018	



It is improper to contact any member of the Board of Adjustment prior to the disposition of a case to discuss the request. A variance application will not be considered complete until all required submittal components listed on the Variance Checklist have been received and approved.



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Raleigh, North Carolina 27601
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Variance Checklist

TO BE COMPLETED BY APPLICANT		YES	N/A
PRE-SUBMITTAL REQUIREMENTS			
1. Pre-Application Conference with staff		✓	
2. Completed Variance Intake Requirements sheet		✓	
3. Variance applications shall be submitted to the Zoning Division, 4 th floor of One Exchange Plaza		✓	
VARIANCE REQUIREMENTS			
1. The property owner must be the applicant.		✓	
2. A signed, notarized application and submittal fee are required.		✓	
3. The applicant must submit stamped envelopes addressed to the property owners within 100 feet of the subject property. City staff will mail the public hearing notices.		✓	
4. The Board of Adjustment conducts a quasi-judicial hearing. You may not contact the Board members once the application has been filed.		✓	
5. The Board of Adjustment is not empowered to modify zoning lines or grant a use variance.		✓	
6. The Board of Adjustment may attach conditions of approval to a variance to protect surrounding properties.		✓	
7. City Staff will place a public hearing sign on the subject property. The sign must be prominently displayed on the property for at least ten days before the hearing. The property owner is responsible for maintaining the sign during this ten day period. The owner must return the sign to city staff within three days of the hearing. The owner will be charged \$45 for any sign not returned.		✓	
VARIANCE CONSIDERATIONS			
The Board of Adjustment will review all variance requests against the following showings:			
1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made from the property.		✓	
2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.		✓	
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.		✓	
4. The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justice is achieved.		✓	



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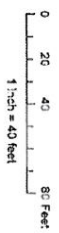
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Phone 919-996-2495
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Variance Intake Requirements

TO BE COMPLETED BY APPLICANT			COMPLETED BY CITY STAFF		
	YES	N/A	YES	NO	N/A
General Requirements – Variance					
1. I have referenced the Variance Checklist and by using this as a guide, it will ensure that the application is processed in a timely manner	<input checked="" type="checkbox"/>				
2. Variance application review fee (see Development Fee Schedule for rate)	<input checked="" type="checkbox"/>				
3. Completed, notarized application signed by the property owner	<input checked="" type="checkbox"/>				
4. One set of stamped envelopes addressed to all property owners within 100 feet of the subject property	<input checked="" type="checkbox"/>				
5. List of all adjacent property owners	<input checked="" type="checkbox"/>				
6. Plot Plan drawn to scale, containing a north arrow, area of lot, location of all existing improvements and use areas, location of proposed improvements, location of any constraints such as flood plain area, tree conservation area, buffer yards, easements, and sight distance triangles	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
7. If the variance request involves a structure, sign or fence, architectural elevations must be submitted	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
8. If the property has been cited by a Code Enforcement Officer, include a copy of the citation	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
9. Is variance needed to legalize an existing improvement?	<input type="checkbox"/>	<input checked="" type="checkbox"/>			

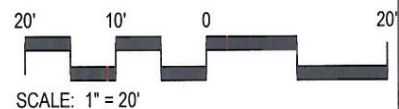
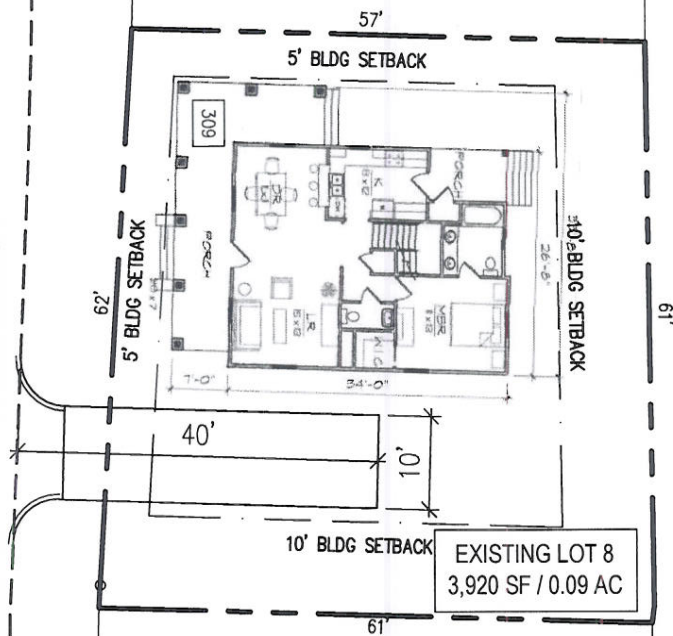


309 Freeman Existing setbacks



Disclaimer:
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FREEMAN STREET
(50' PUBLIC RIGHT OF WAY)



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JDAVIS >

309 Freeman
City of Raleigh Community Development Center
Raleigh, North Carolina



Date: May 06, 2015


[Home](#)

Wake County Real Estate Data Account Summary

[iMaps](#)
[Tax Bills](#)

Real Estate ID 0027324 PIN # 1713173513

**WAKE
COUNTY**
Location Address
309 FREEMAN STProperty Description
LO8 W R POOLE
[Account
Search](#)

NORTH CAROLINA

[Pin/Parcel History](#) [Search Results](#) [New Search](#)
[Account](#) | [Buildings](#) | [Land](#) | [Deeds](#) | [Notes](#) | [Sales](#) | [Photos](#) | [Tax Bill](#) | [Map](#)

For real estate accounts created or new construction built after January 1, 2015: Property values are under review for tax year 2016. Land and building values on these properties will reflect an assessment based on the January 1, 2008 Schedule of Values until late 2015 or early 2016 at which time the January 1, 2016 revaluation values for both land and buildings will be available.

Property Owner RALEIGH CITY OF Use the Deeds tab above to view any additional owners		Owner's Mailing Address PO BOX 590 RALEIGH NC 27602-0590	Property Location Address 309 FREEMAN ST RALEIGH NC 27601-1629
Administrative Data Old Map # B002-B0015-0002 Map/Scale 1713 05 VCS 01RA548 City RALEIGH Fire District Township RALEIGH Land Class EXEMPT ETJ RA Spec Dist(s) Zoning R-20 History ID 1 History ID 2 Acreage .09 Permit Date 8/16/1995 Permit # 0000023808		Transfer Information Deed Date 6/3/1997 Book & Page 07495 0363 Revenue Stamps 16.00 Pkg Sale Date 6/3/1997 Pkg Sale Price \$8,000 Land Sale Date Land Sale Price Improvement Summary Total Units 0 Recycle Units 0 Apt/SC Sqft Heated Area	Assessed Value Land Value \$30,000 Assessed Bldg. Value Assessed Tax Relief Land Use Value Use Value Deferment Historic Deferment Total Deferred Value Use/Hist/Tax Relief Assessed Total Value \$30,000 Assessed*

*Wake County assessed building and land values reflect the market value as of January 1, 2008, which is the date of the last county-wide revaluation. Any inflation, deflation or other economic changes occurring after this date does not affect the assessed value of the property and cannot be lawfully considered when reviewing the value for adjustment.

The January 1, 2008 values will remain in effect until the next county-wide revaluation, which begins January 1, 2016. Until that time, any real estate accounts created or new construction built is assessed according to the 2008 Schedule of Values.

For questions regarding the information displayed on this site, please contact the Revenue Department at RevHelp@wakegov.com or call 919-856-5400.

Real Estate ID **0027324** PIN # **1713173513**Location Address
309 FREEMAN ST Property Description
LO8 W R POOLEAccount
Search

[Pin/Parcel History](#)
[Search Results](#)
[New Search](#)

[Account](#) |
 [Buildings](#) |
 [Land](#) |
 [Deeds](#) |
 [Notes](#) |
 [Sales](#) |
 [Photos](#) |
 [Tax Bill](#) |
 [Map](#)

Building Location Address 309 FREEMAN ST		Building Description 01RA548		Card 01 Of 01																																																																																																																		
Bldg Type Units Heated Area Story Height Style Basement Exterior Const Type Heating Air Cond Plumbing		Year Blt Addns Int. Adjust. Other Features		Base Bldg Value Grade Cond % Market Adj. Market Adj. Accrued % Incomplete Code Card 01 Value All Other Cards Land Value Assessed \$30,000 Total Value Assessed \$30,000																																																																																																																		
Main and Addition Summary <table border="1"> <thead> <tr> <th>Story</th> <th>Type</th> <th>Code</th> <th>Area</th> <th>Inc</th> </tr> </thead> <tbody> <tr><td>M</td><td></td><td></td><td></td><td></td></tr> <tr><td>A</td><td></td><td></td><td></td><td></td></tr> <tr><td>B</td><td></td><td></td><td></td><td></td></tr> <tr><td>C</td><td></td><td></td><td></td><td></td></tr> <tr><td>D</td><td></td><td></td><td></td><td></td></tr> <tr><td>E</td><td></td><td></td><td></td><td></td></tr> <tr><td>F</td><td></td><td></td><td></td><td></td></tr> <tr><td>G</td><td></td><td></td><td></td><td></td></tr> <tr><td>H</td><td></td><td></td><td></td><td></td></tr> </tbody> </table>				Story	Type	Code	Area	Inc	M					A					B					C					D					E					F					G					H					Other Improvements <table border="1"> <thead> <tr> <th>Units</th> <th>DesItem</th> <th>Code</th> <th>Year</th> <th>% ADJ</th> <th>Inc</th> <th>Value</th> </tr> </thead> <tbody> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> </tbody> </table>		Units	DesItem	Code	Year	% ADJ	Inc	Value																																																								
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309 Freeman Street



1713173513
RALEIGH CITY OF
PO BOX 590
RALEIGH NC 27602-0590

Dup

1713172404
TELEGRAPH ROAD PROPERTIES LLC
7709 SANDY BOTTOM WAY
RALEIGH NC 27613-8829

1713173317
WEI, WILLIAM CHEN, GRACE
4117 HALBURTON RD
RALEIGH NC 27613-5356

1713173615
KNIGHT, NELMA J
1501 E MARTIN ST
RALEIGH NC 27610-2613

1713174484
BAKER, JEFFREY
310 S STATE ST
RALEIGH NC 27601-1650

1713174594
MARTIN STREET BAPTIST CHURCH
1001 E MARTIN ST
RALEIGH NC 27601-1641

Dup

1713171582
JBAC PROPERTIES LLC
PO BOX 27371
RALEIGH NC 27611-7371

1713172602
EDWARDS, CHRIS D EDWARDS, ENGLISH
FOWLER
1012 KIMBERLY PL
GREAT FALLS VA 22066-1545

1713173416
ALLEN VENTURES, L.L.C.
932 BLENHEIM DR
RALEIGH NC 27612-4907

1713174385
HILL, JOSEPH T
913 E DAVIE ST
RALEIGH NC 27601-1621

1713174488
MARTIN STREET BAPTIST CHURCH
1001 E MARTIN ST
RALEIGH NC 27601-1641

1713174598
MARTIN STREET BAPTIST CHURCH
TRUSTEES
1001 E MARTIN ST
RALEIGH NC 27601-1641

1713171587
ROBERTSON, JUANITA H HOLLAND,
JACQUELINE R
216 BLEDSOE AVE
RALEIGH NC 27601-2604

1713172617
THE EDWARDS COMPANIES LLC
1217 COURTLAND DR
RALEIGH NC 27604-1338

1713173518
WEICHEL, ELIZABETH H
305 FREEMAN ST
RALEIGH NC 27601-1629

1713174400
LCSM SERVICE GROUP LLC
20001A EMERALD COAST PKWY
DESTIN FL 32541-3410

1713174509
KNIGHT, NELMA J
1501 E MARTIN ST
RALEIGH NC 27610-2613

1713174694
JEFFRIES, ALEXANDER
502 BOYLAND AVE APT A
RALEIGH NC 27603